IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAGLEY et al. Atty. Ref.: 36-1462

Serial No. 09/889,349 TC/A.U.: 2161

Filed: July 17, 2001 Examiner: Nguyen, C.

For: DOCUMENT MANAGEMENT METHOD AND TOOL

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July 16, 2007

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

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(I) REAL PARTY IN INTEREST

The real party in interest is British Telecommunications public limited company, a corporation of the country of England.

(II) RELATED APPEALS AND INTERFERENCES

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1-16 and 23-54 are pending. Claims 1-16 and 23-54 have been rejected. The rejections of claims 1-16 and 23-54 are being appealed. Claims 17-22 have been canceled. No claim has been substantively allowed.

(IV) STATUS OF AMENDMENTS

No amendment or response was filed subsequent to the final rejection mailed March 15, 2007. The current status of the claims presented in this Brief includes the claim amendments of the January 17, 2007 Amendment/Response (filed prior to the final rejection).

(V) SUMMARY OF CLAIMED SUBJECT MATTER

A listing of each independent claim, each dependent claim argued separately and each claim having means plus function language is provided below including exemplary reference(s) to page and line number(s) of the specification.

1. A method of managing information-bearing content files stored in a computer file system, the computer file system being divided into directories, the method comprising: [pg. 4, ll. 7-9, Figs. 2-3]

locating one or more content files, each content file being stored in a directory of the computer file system; [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10. l5]

associating one or more template files with each directory in which at least one content file is stored, each template file being effective, when applied to the content file, to carry out a respective pre-determined operation on the content file; and [pg. 4, ll. 14-17 and 21-30]

applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied; [pg. 4, ll. 19-30; pg. 10, ll. 1-16]

wherein the applying the one or more template files associated with a given directory to each content file stored in that directory generates a corresponding templated information-bearing content file whose appearance is controlled by the one or more associated template files. [pg. 5, ll. 16-20]

2. A method as claimed in claim 1 in which the computer file system is divided into a hierarchical arrangement of directories and in which the one or more template files associated with each directory located in the direct hierarchical path from a directory in which a content file is stored up to and including the uppermost directory in the hierarchical arrangement are also associated with the directory in which the content file is stored. [pg. 5, ll. 11-15; pg. 10, ll. 16-25]

3. A method as claimed in claim 1 in which the association of a template with a directory is made on the basis of the template file being stored in that directory. [pg. 5, ll. 26-27; pg. 10, ll. 1-5]

4. A method as claimed in claim 1 further comprising:

associating metadata with each content file; and

carrying out the respective pre-determined operation on each content file upon the application of an associated template file on the basis of the respective associated metadata. [pg. 6, ll. 5-19]

5. Apparatus for managing information-bearing content files stored in a computer file system, the computer file system being divided into directories, the apparatus comprising: [Figs. 1-2, pg. 7, l. 22 – pg. 9, l. 18]

means for locating one or more content files, each content file being stored in a directory of the computer file system; [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10, l. 5]

means for associating one or more template files with each directory in which at least one content file is stored, each template file being effective, when applied to the content file, to carry out a respective pre-determined operation on the content file; and [pg. 4, ll. 14-17 and 21-30]

means for applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied; [pg. 4, ll. 19-30; pg. 10, ll. 1-16]

wherein the applying the one or more template files associated with a given directory to each content file stored in that directory by the means for applying generates a corresponding templated information-bearing content file whose appearance is controlled by the one or more associated template files. [pg. 5, ll. 16-20]

6. Apparatus as claimed in claim 5 wherein the computer file system is divided into a hierarchical arrangement of directories, in which the means for associating one or more template files with each directory also associates with the directory in which the content file is stored, the one or more template files associated with each directory located in the direct hierarchical path from a directory in which a content file is stored up to and including the uppermost directory in the hierarchical arrangement. [pg. 5, ll. 11-15; pg. 10, ll. 16-25]

7. Apparatus as claimed in claim 5 in which the means for associating one or more template files with each directory makes the association of a template with a

directory on the basis of the template file being stored in that directory. [pg. 5, ll. 26-27; pg. 10, ll 1-5]

8. Apparatus as claimed in claim 5 further comprising:

means for associating metadata with each content file; wherein

the respective pre-determined operation on each content file upon the application of an associated template file is carried out on the basis of the respective associated metadata. [pg. 6, ll. 5-19]

9. A computer program storage device readable by a computer, said device embodying computer readable code executable by the computer to perform the method according to claim 1. [Figs. 1-3]

10. A signal embodying computer executable code for loading into a computer for the performance of the method according to claim 1. [Figs. 1-3]

11. A method as claimed in claim 1 in which the association of a template with a directory is made on the basis of the template file being stored in at least one of that directory and a parent directory of that directory. [pg. 10, ll. 1-25]

12. Apparatus as claimed in claim 5 in which the means for associating one or more template files with each directory makes the association of a template with a

directory on the basis of the template file being stored in at least one of that directory or a parent directory of that directory. [pg. 10, ll. 1-25]

13. A method of managing information-bearing content files stored in a computer file system, the computer file system storing a plurality of content files and a plurality of template files and the computer file system being divided into directories, the method comprising: [pg. 4, ll. 7-9; Figs. 1-3]

locating one or more of the plurality of content files, each content file being stored in a directory of the computer file system; [pg. 9, l. 20 – pg. 10, l. 5]

searching the directory storing the one or more of the plurality of content files for one of the plurality of template files; [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10, l. 5]

determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files; and [pg. 9, l. 20 – pg. 10, l. 5]

applying the one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files so that each of the one or more of the plurality of content files stored in the directory is utilized to generate a corresponding templated information bearing content file whose appearance is controlled by the one of the plurality of template files. [pg. 5, ll. 16-20; pg. 10, ll. 1-25]

14. Apparatus for managing information-bearing content files stored in a computer file system, the computer file system storing a plurality of content files and a

plurality of template files and the computer file system being divided into directories, the apparatus comprising: [Figs. 1-2; pg. 7, l. 22 – pg. 9, l. 18]

means for locating one or more of the plurality of content files, each content file being stored in a directory of the computer file system; [pg. 9, l. 20 – pg. 10, l. 5]

means for searching the directory storing the one or more of the plurality of content files for one of the plurality of template files; [pg. 9, l. 20 – pg. 10, l. 5]

means for determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files; and [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10, l. 5]

means for applying the one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files so that each of the one or more of the plurality of content files stored in the directory is utilized to generate a corresponding templated information bearing content file whose appearance is controlled by the one of the plurality of template files. [pg. 5, ll. 16-20; pg. 10, ll. 1-25]

15. A method of managing information-bearing documents stored in a computer file system, the computer file system storing both documents and template files and being divided into directories, the method comprising: [Figs. 2-3]

locating at least one of the documents being stored in a particular directory of the computer file system; [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10, l. 5]

searching the particular directory storing the at least one of the documents for one of the template files; [pg. 9, l. 20 – pg. 10, l. 5]

determining if the particular directory storing the at least one of the documents also stores the one of the template files; [pg. 9, l. 20 – pg. 10, l. 5]

applying the one of the template files stored in the particular directory to each document stored in that particular directory if a determination is made that the particular directory storing the at least one of the documents also stores the one of the template files to generate at least one corresponding template information bearing document whose appearance is controlled by the one of the template files. [pg. 10, ll. 1-25]

16. Apparatus for managing information-bearing documents stored in a computer file system, the computer file system storing both one or more documents and one or more template files and being divided into directories, the apparatus comprising: [Figs. 1-2; pg. 7, l. 22 – pg. 9, l. 8]

means for locating at least one of the documents being stored in a particular directory of the computer file system; [pg. 4, ll. 11-12; pg. 9, l. 20 – pg. 10, l. 5]

means for searching the particular directory storing the at least one of the documents for one of the template files; [pg. 9, l. 20 – pg. 10, l. 5]

means for determining if the particular directory storing the at least one of the documents also stores the one of the template files; [pg. 9, l. 20 – pg. 10, l. 5]

means for applying the one of the template files stored in the particular directory to each document stored in that particular directory if a determination is made that the particular directory storing the at least one of the documents also stores the one of the

template files to generate at least one corresponding template information bearing document whose appearance is controlled by the one of the template files. [pg. 10, ll. 1-25]

23. A method of generating templated information-bearing document using a computer system operating in accordance with an operating system which permits electronic files to be stored in a hierarchical computer file system having one or more directories each of which may store one or more files and may have one or more directories as sub-directories, the method comprising: [Figs. 1-3; pg. 4, ll. 7-9]

associating a template file with a directory, the template file being suitable for controlling the appearance of a document to which the template of the template file is applied; [pg. 4, ll. 14-17 and 21-30; pg. 5, ll. 16-20]

storing one or more documents in the directory; and [pg. 9, l. 20 – pg. 10, l. 5]

automatically processing the one or more documents in the directory in accordance with the associated template file to thereby generate one or more corresponding templated information-bearing documents, whose appearance is controlled by the associated template file. [pg. 5, ll. 16-20; pg. 10, ll. 1-25]

24. A method as in claim 23, wherein the computer file system is divided into a hierarchical arrangement of directories, and the template file associated with each directory located in a direct hierarchical path from a directory in which a document is stored up to and including an uppermost directory in the hierarchical arrangement is also associated with the directory in which the document is stored. [pg. 5, ll. 11-15; pg. 10, ll.

16-25]

25. A method as in claim 23, wherein the association of a template with a directory is made on the basis of the template file being stored in that directory. [pg. 5, ll. 26-27; pg. 10, ll. 1-5]

26. A method as in claim 23, further comprising:

associating metadata with each document; and

wherein the step of automatically processing each document in accordance with an associated template file is also carried out in accordance with the respective associated metadata. [pg. 6, ll. 5-19]

27. An apparatus for generating templated information-bearing content files, the apparatus comprising: [Figs. 1-2]

a computer system operating in accordance with an operating system which permits electronic files to be stored in a hierarchical computer file system having one or more directories each of which may store one or more files and may have one or more directories as sub-directories; [Figs. 1-2]

means for associating a template file with a directory, the template file being suitable for controlling the appearance of a document to which the template of the template file is applied; and [pg. 4, ll. 14-17 and 21-30; pg. 5, ll. 16-20]

automatic processing means for automatically processing at least one document within a directory in accordance with a template file associated with such a directory by

said associating means to generate at least one corresponding templated information-bearing document, whose appearance, when displayed using a suitable viewing application, is controlled by the associated template file. [pg. 5, ll. 16-20; pg. 10, ll. 1-25]

28. An apparatus as in claim 27, wherein the computer file system is divided into a hierarchical arrangement of directories, and the means for associating a template file with a directory also associates with the directory in which the document is stored, the template file associated with each directory located in a direct hierarchical path from a directory in which the document is stored up to and including an uppermost directory in the hierarchical arrangement. [pg. 5, ll. 11-15; pg. 10, ll. 16-25]

29. An apparatus as in claim 27, wherein the means for associating a template file with a directory makes the association of a template with a directory on the basis of the template file being stored in that directory. [pg. 5, ll. 26-27; pg. 10, ll. 1-5]

30. An apparatus as in claim 27, further comprising:

means for associating metadata with each document;

wherein the automatic processing means is also operable to carry out the automatic processing in accordance with the respective associated metadata. [pg. 6, ll. 5-19]

31. A method as in claim 1, further comprising applying a template file associated with a parent directory of the given directory to each content file stored in the

given directory in addition to applying the one or more template files associated with the given directory to each content file stored in that given directory so that multiple template files are applied to each content file stored in the given directory. [pg. 11, l. 4 – pg. 12, l. 7]

32. An apparatus as in claim 5, further comprising means for applying a template file associated with a parent directory of the given directory to each content file stored in the given directory so that multiple template files are applied to each content file stored in the given directory. [pg. 11, l. 4 – pg. 12, l. 7]

33. A method as in claim 23, further comprising processing the one or more documents in the directory in accordance with a template file associated with a parent directory of the directory in addition to automatically processing the one or more documents in the directory in accordance with the template file associated with the directory so that the one or more documents in the directory is processed in accordance with multiple template files. [pg. 11, l. 4 – pg. 12, l. 7]

34. An apparatus as in claim 27, further comprising means for processing the at least one document within the directory in accordance with a template file associated with a parent directory of the directory so that the at least one document is processed in accordance with multiple template files. [pg. 11, l. 4 – pg. 12, l. 7]

35. A method as in claim 13, further comprising:

searching a parent directory of the directory storing the one or more of the plurality of content files for the one of the plurality of template files if a determination is made that the directory storing the one or more of the plurality of content files does not also store the one of the plurality of template files;

determining if the parent directory stores the one of the plurality of template files; and

applying the one of the plurality of the template files stored in the parent directory to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files. [pg. 10, l. 17 – pg. 12, l. 7]

36. An apparatus as in claim 14, further comprising:

means for searching a parent directory of the directory storing the one or more of the plurality of content files for the one of the plurality of template files if a determination is made by the means for determining that the directory storing the one or more of the plurality of content files does not also store the one of the plurality of template files;

means for determining if the parent directory stores the one of the plurality of template files; and

means for applying the one of the plurality of the template files stored in the parent directory to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files. [pg. 10, l. 17 – pg. 12, l. 7]

37. A method as in claim 15, further comprising:

searching a parent directory of the particular directory storing the at least one of the documents for the one of the template files if a determination is made that the particular directory storing the at least one of the documents does not also store the one of the plurality of template files;

determining if the parent directory stores the one of the plurality of template files; and

applying the one of the plurality of the template files stored in the parent directory to the at least one of the documents stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files. [pg. 10, l. 17 – pg. 12, l. 7]

38. An apparatus as in claim 16, further comprising:

means for searching a parent directory of the particular directory storing the at least one of the documents for the one of the plurality of template files if a determination is made by the means for determining that the particular directory storing the at least one of the documents does not also store the one of the plurality of template files;

means for determining if the parent directory stores the one of the plurality of template files; and

means for applying the one of the plurality of the template files stored in the parent directory to the at least one of the documents stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files. [pg. 10, l. 17 – pg. 12, l. 7]

39. A method as in claim 13, further comprising searching a parent directory of the directory storing the one or more of the plurality of content files for another one of the plurality of template files;

determining if the parent directory stores another one of the plurality of template files; and

applying the another one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the one or more of the plurality of content files stored in the directory. [pg. 10, l. 17 – pg. 12, l. 7]

40. The apparatus as in claim 14, further comprising searching a parent directory of the directory storing the one or more of the plurality of content files for another one of the plurality of template files;

means for determining if the parent directory stores another one of the plurality of template files; and

means for applying the another one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the one or more of the plurality of content files stored in the directory. [pg. 10, l. 17 – pg. 12, l. 7]

41. A method as in claim 15, further comprising:

searching a parent directory of the particular directory storing the at least one of the documents for another one of the plurality of template files;

determining if the parent directory stores another one of the plurality of template files; and

applying the another one of the plurality of template files to the documents stored in the particular directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the at least one of the documents stored in the particular directory. [pg. 10, l. 17 – pg. 12, l. 7]

42. The apparatus as in claim 16, further comprising:

means for searching a parent directory of the particular directory storing the at least one of the documents for another one of the plurality of template files;

means for determining if the parent directory stores another one of the plurality of template files; and

means for applying the another one of the plurality of template files to the at least one of the documents stored in the particular directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the at least one of the documents stored in the particular directory. [pg. 10, l. 17 – pg. 12, l. 7]

43. A method as in claim 31, wherein one of the multiple template files

applied to each content file at least partially overrides the other template file. [pg. 11, ll. 4-6; pg. 12, ll. 1-7]

44. An apparatus as in claim 32, wherein one of the multiple template files applied to each content file at least partially overrides the other template file. [pg. 11, ll. 4-6; pg. 12, ll. 1-7]

45. A method as in claim 33, wherein one of the template files used to process the one or more documents at least partially overrides the other template file. [pg. 11, ll. 4-6; pg. 12, ll. 1-7]

46. An apparatus as in claim 34, wherein one of the template files used to process the at least one document at least partially overrides the other template file. [pg. 11, ll. 4-6; pg. 12, ll. 1-7]

47. A method as in claim 1, wherein the corresponding templated information-bearing content file is stored in the given directory which stores each content file to which the template file has been applied. [pg. 10, ll. 11-16]

48. An apparatus as in claim 5, wherein the corresponding templated information-bearing content file is stored in the given directory which stores each content file to which the template file has been applied. [pg. 10, ll. 11-16]

49. A method as in claim 23, wherein the corresponding templated information-bearing document is stored in the directory which stores each document processed by the associated template file. [pg. 10, ll. 11-16]

50. An apparatus as in claim 27, wherein the corresponding templated information-bearing document is stored in the directory which stores each document processed by the associated template file. [pg. 10, ll. 11-16]

51. A method as in claim 1, wherein the one or more template files is stored in a directory separate from the directory storing the one or more content files, the directory storing the one or more template files also storing a lookup table which associates the one or more template files with the directory in which the one or more content files are stored. [Fig. 4; pg. 13, l. 1 – pg. 15, l. 19]

52. An apparatus as in claim 5, wherein the means for associating comprises a look-up table stored in a directory separate from the directory in which the one or more content files are stored. [Fig. 4; pg. 13, l. 1 – pg. 15, l. 19]

53. A method as in claim 23, wherein the template file associated with the directory storing the one or more documents is stored in a separate directory, the separate directory also storing a look-up table for associating the template file with the directory storing the one or more documents. [Fig. 4; pg. 13, l. 1 – pg. 15, l. 19]

54. An apparatus as in claim 27, wherein the means for associating comprises a look-up table stored in a directory separate from the directory in which the at least one document is stored. [Fig. 4; pg. 13, l. 1 – pg. 15, l. 19]

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-16, 23-30, 35-38 and 47-54 are "obvious" under 35 U.S.C. §103 over Donohue et al (U.S. '480) in view of Schultz et al (U.S. '339).

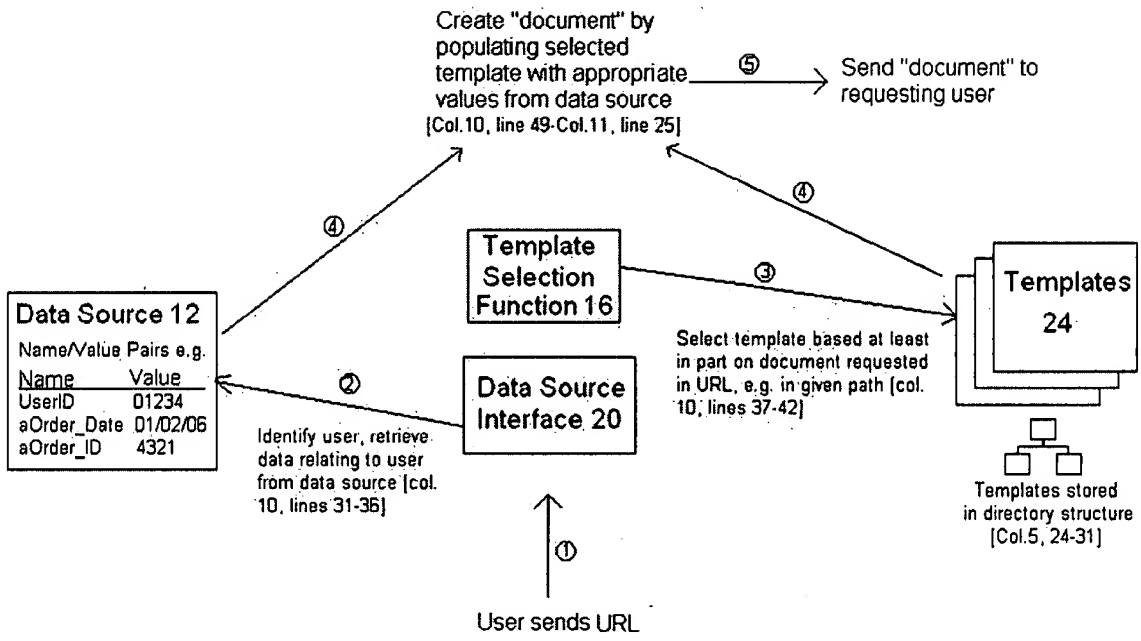
Whether claims 31-34 and 39-46 are "obvious" under 35 U.S.C. §103 over the three-way combination of Donohue et al, Schultz et al and Popp et al.

(VII) ARGUMENT

Claims 1-16, 23-30, 35-38 and 47-54 are not "obvious" under 35 U.S.C. §103 over Donohue et al (U.S. '480, hereinafter "Donohue") in view of Schultz et al (U.S. '339, hereinafter "Schultz").

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Donohue and Schultz fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest "applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied; wherein the applying the one or more template files associated with a given directory to each content file stored in that directory generates a corresponding templated information-bearing content file whose appearance is controlled by the one or more associated template files," as required by independent claim 1 and its dependents. Similar comments apply to independent claims 5, 23 and 27 and their respective dependents.

The final rejection continues to state previous assumptions -- many of which are incorrect. In order to facilitate a proper understanding of Donohue, Appellant has provided below a diagram describing the operation of Donohue's system.



A data source 12 contains content reducible to name-value pairs, and a template store 24 stores at least one document template which can be located in a hierarchical directory structure. A user sends a request for a webpage by entering a URL in his browser. See step (1) in the above diagram. The request is interpreted by the script of the system to locate relevant data in the data source 12 (e.g., by identifying a stored UserID corresponding to that of the user submitting the URL and retrieving his data), and to select an appropriate template in the template store. See steps (2) and (3) in the above diagram. The selected template is populated with the user's data and the result is a "document" which is displayed in the user's browser. See steps (4) and (5) in the above diagram. The document is therefore personalized in some way.

Contrary to the allegations on page 3 of the final rejection, Donohue does not disclose the following features of claim 1.

A. Locating one or more content files, each content file being stored in a directory of the computer file system.

The data source 12 is not stored in a directory of the computer file system. The data source 12 is simply a stored list reducible to name-value pairs. Indeed col. 7, lines 59-61 states "In preferred embodiments, the data source interface function 20 retrieves content from the data source 12 and stores the content in a container class as a pool of name/value pairs (emphasis added)."

Page 3 of the final rejection states the following: "Means" (Fig. 1, element 2 of Donohue) for "Locating one or more content files" corresponds to the command to locate documents (col. 7 lines 27-30 of Donohue). The "content files" corresponds to the "documents" that [are] stored in the data source 12 in Figure 1 (col. 7 lines 35-44).

However, these statements are incorrect since "documents" are not stored in the data source 12. A document is simply what results from populating a selected template with data from the data source 12 and which is then sent back to the user. (Again, see steps (4) and (5) of the above diagram). Documents do not exist in the computer system until a request is made in the form of a URL. The only entity that is disclosed as being stored in a directory of a file system is the one or more templates 24.

B. Associating one or more template files with each directory in which at least one content file is stored, each template being effective, when applied to the content file, to carry out a respective pre-determined operation on the content file.

Since Donohue does not disclose the initial step of locating one or more content files in a directory of the computer file system, then there can be no associating one or more template files with a directory in which at least one content file is stored.

Page 3 of the final rejection states the following: "Means" (Fig. 1, element 24 of Donohue) "Associating one or more template files with each directory in which at least

one content file is stored", see col. 5 lines 25-31 of Donohue. The documents stored in the web server contain different formats; therefore, when applying to the template, it will carry out a predetermined operation on the documents (col. 1, lines 57-65).

These statements are unclear to Appellant. Col. 5, lines 25-31 of Donohue simply mentions that templates are stored in a directory structure on the web server and that each template corresponds to one of a plurality of possible documents which may be requested by users. What is clear is that there are no content files stored in the directory structure and the templates' location in the structure has nothing to do with associating the template with content to be modified by it. Col. 1, lines 57-65 of Donohue relates to the prior art and mentions the word "document" in a traditional sense, that is as a webpage stored on a web server. However, in the context of Donohue's system, the word "document" has a different meaning as clarified above.

C. Applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied.

Since no content file is stored in a directory structure there can be no "applying" in the manner claimed. In Donohue, name-value pairs are applied to templates in accordance with a script selection function that has nothing to do with associating templates with directories in which content files are stored.

Page 3 of the final rejection states the following: "Means" (Fig. 1, element 14 of Donohue) for "Applying the or each template file associated with a given directory to each content file stored in that given directory" col. 7 lines 15-22 of Donohue. "Wherein

the respective directory in which each content file is stored determines which of the or each template file is applied" col. 5, lines 63-67, col. 10, lines 43-48 of Donohue.

These statements of the final rejection are incorrect since content files are not stored in any directory with which a template file is associated. The passages referred to do not justify the final rejection's position.

The final rejection (pgs. 4 and 8) repeatedly acknowledges that the limitation "the directory stores the content file and the template" is not disclosed by Donohue. However, independent claims 1 and 5 do not require this feature. (Contrast, however, with independent claims 13-16 and dependent claims 3, 7 and 11-12).[1] Why the final rejection of independent claims 1 and 5 purportedly relies on the combination of Donohue and a secondary reference is therefore unknown. (Again, contrast with dependent claims 3, 7 and 11-16 which does require the limitation which Donohue admittedly does not disclose.) Nevertheless, even if Donohue were forcibly combined with Schultz as a secondary reference, the forced combination would not have taught or suggested all of the limitations of independent claims 1 and 5 (or claims 3, 7 and 11-16) as discussed in detail below.

Donohue is not particularly relevant to the claimed invention since it fails to disclose even the basic concept of locating content files in a directory structure and associating one or more template files with the directories to generate templated versions of the content files based on that association.

[1] For example, independent claim 13 requires, *inter alia*, "determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files." Dependent claim 3 requires, "in which the association of a template with a directory is made of the basis of the template file being stored in that directory."

Moreover, Appellant submits that one of ordinary skill in the art would not have been motivated to modify Donohue to arrive at the present invention. In particular, Appellant submits that there is no motivation or reason as to why an association should be made between templates and directories in which content files are stored. One of ordinary skill in the art would not have been motivated to modify Donohue so that (a) the name-value pairs in the content store (i.e., data source) 12 would be moved to a directory structure and (b) templates be associated with each directory in which at least one name-value pair is stored. The main point of Donohue's system is to provide customized web pages based on who is requesting the web page. This customized web page (i.e., Donohue's document) is achieved by populating a selected template with values from name-value pairs corresponding to the requesting user (i.e., the person submitting the URL).

Pages 4 and 8 of the final rejection states "In col. 4, lines 59-62, Donohue teach that the data source provided the content stored in the database represents or is reduced to name/value pairs." Donohue indeed teaches a data source 12 storing content reduced to name/value pairs. However, as discussed above, then name/value pairs are merely stored in a list or a pool, and are not stored in a directory structure. Even if the name/value pairs of content stored in data source 12 were modified or moved to a directory structure, there is no further teaching or suggestion of applying a template to an associated part of the directory structure in which one name/value pair may be stored. That is, there is no further teaching or suggestion of applying a template to a particular name/value pair based on its location within a particular part of Donohue's hypothetical directory structure. Donohue's system retrieves content of the name/value pairs based on the

identity of the user or client (see e.g., col. 7, lines 65-67), not based upon being located within a particular directory associated with a template file.

Schultz discloses a system for presenting data from a plurality of information sources to a user. The final rejection alleges that a content directory and a template directory are stored in the same place (col. 13, lines 54-56) and that Schultz teaches that "wherein the applying the or each template file associated with a given directory...generates a corresponding templated information-bearing content file whose appearance is controlled by the or each associated template file (col. 13, lines 55-59) by applying the image file in the directory with the corresponding template in that directory."

Appellant submits that the above interpretation of Schultz does not accurately represent what a person of ordinary skill would understand from reading this document. First, the fact that a content directory and template directory are stored in the same place would not direct one skilled in the art to modify Donohue to associate name-value pairs and templates in the way claimed. In fact, content in Schultz's system is stored in a storage device 16 which is external to the content server 12, with the content directory 24 of the content server 12 storing pointers to the content. (See col. 4, lines 24-36 of Schultz). Even if the teachings of Donohue and Schultz were combined, the result would therefore be replacing the data source 12 in Donohue with an external data source (such as storage device 16 of Schultz) with internal pointers to content in the data source, although there appears no advantageous reason why this would have been considered. The final rejection's (page 9) allegation that Appellant is merely attacking Donohue alone, rather than the combination of Donohue and Schultz, is erroneous. Col. 13, lines

55-59 (specifically identified in the final rejection) of Schultz relates to a further directory (an image directory) which stores "template specific images." Appellant submits that the "template specific images" are images already forming part of a template (e.g., an image of a company logo that will appear at the top of a company template). The appearance of such an image is not "controlled" by its associated template since its appearance would be fixed. Modification of Donohue in light of this feature would merely result in the use of template specific images within templates 24.

Schultz discloses page templates stored in a content server 12. Donohue also discloses a template directory within content directory 24 which stores pointers to an object stored in an external storage device 16 of the content server 12. However, Donohue fails to teach or suggest applying these templates in the manner required by the claimed invention. That is, Schultz fails to disclose applying a template to each content file stored in a given directory based on the content files being located within that particular given directory. That is, there is no teaching that Schultz's templates are applied to a content file based on that content file being stored within a directory associated with a template. Accordingly, even if Schultz and Donohue were combined as proposed by the final rejection, the combination would not teach or suggest all of the claim limitations. Again, the final rejection's (page 9) allegation that Appellant is merely attacking Donohue alone, rather than the combination of Donohue and Schultz, is erroneous.

Claims 23 and 27 require applying a template file to a document. The name/value pairs of data source 12 in Donohue merely form data and thus does not teach or suggest documents. Similar comments apply to independent claims 15-16.

Independent claim 13 requires, *inter alia*, "determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files; and applying the one of the plurality of template files to the one or more of the plurality of content files stored in the directory *if a determination is made that the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files* so that each of the one or more of the plurality of content files stored in the directory generates a corresponding templated information bearing content file whose appearance is controlled by the one of the plurality of template files." Similar, but not necessarily identical, comments apply to claims 14-16. The Donohue/Schultz combination fails to teach or suggest these limitations. Similarly, the Donohue/Schultz combination fails to teach or suggest "in which the association of a template with a directory is made on the basis of the template file being stored in that directory," as required by dependent claim 3. Similar comments apply to dependent claims 7 and 11-12. For example, there is absolutely no teaching or suggestion of determining if data source 12 of Donohue storing the name/value pairs also stores one of the template files. Likewise, there is no teaching or suggestion of determining if content stored in storage device 16 of Schultz also stores one of Schultz's templates. Indeed, Schultz explicitly discloses that page templates are saved on content server 12 (see col. 13, lines 41-42) which is external to storage device 16.

The combination of Donohue and Schultz also fails to teach or suggest searching a parent directory of the directory storing a content file for a template file if a determination is made that a directory storing the content file does not also store the template file, as required by dependent claims 35-38. In particular, the name/value pairs

stored as content in data source 12 are not organized in directories at all, and thus clearly do not teach or suggest searching a parent directory of a directory storing content if the directory storing content also does not store a template. Similarly, Schultz does not teach or suggest searching a parent directory if a lower (child) directory having a content file does not also store a template file. For example, there is no teaching or suggestion of searching a parent directory of content directory 24 or storage device 16 if a lower directory storing a content file also does not store a template file. Accordingly, even if Schultz and Donahue were combined as proposed in the final rejection, the combination would not teach or suggested the claim limitations required by dependent claims 35-38.

Claims 31-34 and 39-46 are not "obvious" under 35 U.S.C. §103 over the three way combination of Donohue, Schultz and Popp et al (U.S. '108, hereinafter "Popp").

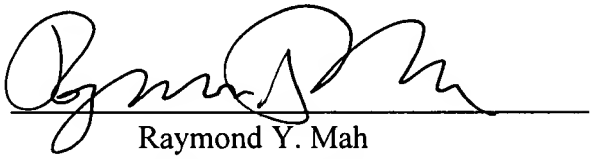
Even if the teachings of Donohue, Schultz and Popp were combined as proposed by the final rejection, the resulting combination would not have taught or suggested all of the claim limitations. For example, while Popp discloses multiple HTML templates to generate a single HTML document, there is no teaching of applying a template file associated with a parent directory of the given directory to each content file stored in the given directory in addition to applying the template file associated with the given directory to each content file stored in that given directory (see claims 31-34), let alone applying, for example, applying an overriding template file associated with a parent directory of the given directory to each content file stored in the given directory in addition to applying the template file associated with the given directory to each content file stored in that given directory (see claims 43-46).

CONCLUSION

In conclusion it is believed that the application is in clear condition for allowance; therefore, early reversal of the Final Rejection and passage of the subject application to issue are earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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(VIII) CLAIMS APPENDIX

1. A method of managing information-bearing content files stored in a computer file system, the computer file system being divided into directories, the method comprising:

locating one or more content files, each content file being stored in a directory of the computer file system;

associating one or more template files with each directory in which at least one content file is stored, each template file being effective, when applied to the content file, to carry out a respective pre-determined operation on the content file; and

applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied;

wherein the applying the one or more template files associated with a given directory to each content file stored in that directory generates a corresponding templated information-bearing content file whose appearance is controlled by the one or more associated template files.

2. A method as claimed in claim 1 in which the computer file system is divided into a hierarchical arrangement of directories and in which the one or more template files associated with each directory located in the direct hierarchical path from a directory in which a content file is stored up to and including the uppermost directory in the hierarchical arrangement are also associated with the directory in which the content file is stored.

3. A method as claimed in claim 1 in which the association of a template with a directory is made on the basis of the template file being stored in that directory.

4. A method as claimed in claim 1 further comprising:

associating metadata with each content file; and

carrying out the respective pre-determined operation on each content file upon the application of an associated template file on the basis of the respective associated metadata.

5. Apparatus for managing information-bearing content files stored in a computer file system, the computer file system being divided into directories, the apparatus comprising:

means for locating one or more content files, each content file being stored in a directory of the computer file system;

means for associating one or more template files with each directory in which at least one content file is stored, each template file being effective, when applied to the content file, to carry out a respective pre-determined operation on the content file; and

means for applying the one or more template files associated with a given directory to each content file stored in that given directory, wherein the respective directory in which each content file is stored determines which of the one or more template files is applied;

wherein the applying the one or more template files associated with a given directory to each content file stored in that directory by the means for applying generates a corresponding templated information-bearing content file whose appearance is controlled by the one or more associated template files.

6. Apparatus as claimed in claim 5 wherein the computer file system is divided into a hierarchical arrangement of directories, in which the means for associating one or more template files with each directory also associates with the directory in which the content file is stored, the one or more template files associated with each directory located in the direct hierarchical path from a directory in which a content file is stored up to and including the uppermost directory in the hierarchical arrangement.

7. Apparatus as claimed in claim 5 in which the means for associating one or more template files with each directory makes the association of a template with a directory on the basis of the template file being stored in that directory.

8. Apparatus as claimed in claim 5 further comprising:

means for associating metadata with each content file; wherein

the respective pre-determined operation on each content file upon the application of an associated template file is carried out on the basis of the respective associated metadata.

9. A computer program storage device readable by a computer, said device embodying computer readable code executable by the computer to perform the method according to claim 1.

10. A signal embodying computer executable code for loading into a computer for the performance of the method according to claim 1.

11. A method as claimed in claim 1 in which the association of a template with a directory is made on the basis of the template file being stored in at least one of that directory and a parent directory of that directory.

12. Apparatus as claimed in claim 5 in which the means for associating one or more template files with each directory makes the association of a template with a directory on the basis of the template file being stored in at least one of that directory or a parent directory of that directory.

13. A method of managing information-bearing content files stored in a computer file system, the computer file system storing a plurality of content files and a plurality of template files and the computer file system being divided into directories, the method comprising:

locating one or more of the plurality of content files, each content file being stored in a directory of the computer file system;

searching the directory storing the one or more of the plurality of content files for one of the plurality of template files;

determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files; and

applying the one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files so that each of the one or more of the plurality of content files stored in the directory is utilized to generate a corresponding templated information bearing content file whose appearance is controlled by the one of the plurality of template files.

14. Apparatus for managing information-bearing content files stored in a computer file system, the computer file system storing a plurality of content files and a plurality of template files and the computer file system being divided into directories, the apparatus comprising:

means for locating one or more of the plurality of content files, each content file being stored in a directory of the computer file system;

means for searching the directory storing the one or more of the plurality of content files for one of the plurality of template files;

means for determining if the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files; and

means for applying the one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the directory storing the one or more of the plurality of content files also stores the one of the plurality of template files so that each of the one or more of the plurality of content files stored in the directory is utilized to generate a corresponding templated information bearing content file whose appearance is controlled by the one of the plurality of template files.

15. A method of managing information-bearing documents stored in a computer file system, the computer file system storing both documents and template files and being divided into directories, the method comprising:

locating at least one of the documents being stored in a particular directory of the computer file system;

searching the particular directory storing the at least one of the documents for one of the template files;

determining if the particular directory storing the at least one of the documents also stores the one of the template files;

applying the one of the template files stored in the particular directory to each document stored in that particular directory if a determination is made that the particular directory storing the at least one of the documents also stores the one of the template files to generate at least one corresponding template information bearing document whose appearance is controlled by the one of the template files.

16. Apparatus for managing information-bearing documents stored in a computer file system, the computer file system storing both one or more documents and one or more template files and being divided into directories, the apparatus comprising:

means for locating at least one of the documents being stored in a particular directory of the computer file system;

means for searching the particular directory storing the at least one of the documents for one of the template files;

means for determining if the particular directory storing the at least one of the documents also stores the one of the template files;

means for applying the one of the template files stored in the particular directory to each document stored in that particular directory if a determination is made that the particular directory storing the at least one of the documents also stores the one of the template files to generate at least one corresponding template information bearing document whose appearance is controlled by the one of the template files.

17.-22. (canceled)

23. A method of generating templated information-bearing document using a computer system operating in accordance with an operating system which permits electronic files to be stored in a hierarchical computer file system having one or more directories each of which may store one or more files and may have one or more directories as sub-directories, the method comprising:

associating a template file with a directory, the template file being suitable for

controlling the appearance of a document to which the template of the template file is applied;

storing one or more documents in the directory; and

automatically processing the one or more documents in the directory in accordance with the associated template file to thereby generate one or more corresponding templated information-bearing documents, whose appearance is controlled by the associated template file.

24. A method as in claim 23, wherein the computer file system is divided into a hierarchical arrangement of directories, and the template file associated with each directory located in a direct hierarchical path from a directory in which a document is stored up to and including an uppermost directory in the hierarchical arrangement is also associated with the directory in which the document is stored.

25. A method as in claim 23, wherein the association of a template with a directory is made on the basis of the template file being stored in that directory.

26. A method as in claim 23, further comprising:

associating metadata with each document; and

wherein the step of automatically processing each document in accordance with an associated template file is also carried out in accordance with the respective associated metadata.

27. An apparatus for generating templated information-bearing content files, the apparatus comprising:

a computer system operating in accordance with an operating system which permits electronic files to be stored in a hierarchical computer file system having one or more directories each of which may store one or more files and may have one or more directories as sub-directories;

means for associating a template file with a directory, the template file being suitable for controlling the appearance of a document to which the template of the template file is applied; and

automatic processing means for automatically processing at least one document within a directory in accordance with a template file associated with such a directory by said associating means to generate at least one corresponding templated information-bearing document, whose appearance, when displayed using a suitable viewing application, is controlled by the associated template file.

28. An apparatus as in claim 27, wherein the computer file system is divided into a hierarchical arrangement of directories, and the means for associating a template file with a directory also associates with the directory in which the document is stored, the template file associated with each directory located in a direct hierarchical path from a directory in which the document is stored up to and including an uppermost directory in the hierarchical arrangement.

29. An apparatus as in claim 27, wherein the means for associating a template

file with a directory makes the association of a template with a directory on the basis of the template file being stored in that directory.

30. An apparatus as in claim 27, further comprising:

means for associating metadata with each document;

wherein the automatic processing means is also operable to carry out the automatic processing in accordance with the respective associated metadata.

31. A method as in claim 1, further comprising applying a template file associated with a parent directory of the given directory to each content file stored in the given directory in addition to applying the one or more template files associated with the given directory to each content file stored in that given directory so that multiple template files are applied to each content file stored in the given directory.

32. An apparatus as in claim 5, further comprising means for applying a template file associated with a parent directory of the given directory to each content file stored in the given directory so that multiple template files are applied to each content file stored in the given directory.

33. A method as in claim 23, further comprising processing the one or more documents in the directory in accordance with a template file associated with a parent directory of the directory in addition to automatically processing the one or more documents in the directory in accordance with the template file associated with the

directory so that the one or more documents in the directory is processed in accordance with multiple template files.

34. An apparatus as in claim 27, further comprising means for processing the at least one document within the directory in accordance with a template file associated with a parent directory of the directory so that the at least one document is processed in accordance with multiple template files.

35. A method as in claim 13, further comprising:

searching a parent directory of the directory storing the one or more of the plurality of content files for the one of the plurality of template files if a determination is made that the directory storing the one or more of the plurality of content files does not also store the one of the plurality of template files;

determining if the parent directory stores the one of the plurality of template files; and

applying the one of the plurality of the template files stored in the parent directory to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files.

36. An apparatus as in claim 14, further comprising:

means for searching a parent directory of the directory storing the one or more of the plurality of content files for the one of the plurality of template files if a determination

is made by the means for determining that the directory storing the one or more of the plurality of content files does not also store the one of the plurality of template files;

means for determining if the parent directory stores the one of the plurality of template files; and

means for applying the one of the plurality of the template files stored in the parent directory to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files.

37. A method as in claim 15, further comprising:

searching a parent directory of the particular directory storing the at least one of the documents for the one of the template files if a determination is made that the particular directory storing the at least one of the documents does not also store the one of the plurality of template files;

determining if the parent directory stores the one of the plurality of template files; and

applying the one of the plurality of the template files stored in the parent directory to the at least one of the documents stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files.

38. An apparatus as in claim 16, further comprising:

means for searching a parent directory of the particular directory storing the at least one of the documents for the one of the plurality of template files if a determination

is made by the means for determining that the particular directory storing the at least one of the documents does not also store the one of the plurality of template files;

means for determining if the parent directory stores the one of the plurality of template files; and

means for applying the one of the plurality of the template files stored in the parent directory to the at least one of the documents stored in the directory if a determination is made that the parent directory stores the one of the plurality of template files.

39. A method as in claim 13, further comprising searching a parent directory of the directory storing the one or more of the plurality of content files for another one of the plurality of template files;

determining if the parent directory stores another one of the plurality of template files; and

applying the another one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the one or more of the plurality of content files stored in the directory.

40. The apparatus as in claim 14, further comprising searching a parent directory of the directory storing the one or more of the plurality of content files for another one of the plurality of template files;

means for determining if the parent directory stores another one of the plurality of

template files; and

means for applying the another one of the plurality of template files to the one or more of the plurality of content files stored in the directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the one or more of the plurality of content files stored in the directory.

41. A method as in claim 15, further comprising:

searching a parent directory of the particular directory storing the at least one of the documents for another one of the plurality of template files;

determining if the parent directory stores another one of the plurality of template files; and

applying the another one of the plurality of template files to the documents stored in the particular directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the at least one of the documents stored in the particular directory.

42. The apparatus as in claim 16, further comprising:

means for searching a parent directory of the particular directory storing the at least one of the documents for another one of the plurality of template files;

means for determining if the parent directory stores another one of the plurality of template files; and

means for applying the another one of the plurality of template files to the at least

one of the documents stored in the particular directory if a determination is made that the parent directory stores the another one of the plurality of template files so that multiple template files are applied to the at least one of the documents stored in the particular directory.

43. A method as in claim 31, wherein one of the multiple template files applied to each content file at least partially overrides the other template file.

44. An apparatus as in claim 32, wherein one of the multiple template files applied to each content file at least partially overrides the other template file.

45. A method as in claim 33, wherein one of the template files used to process the one or more documents at least partially overrides the other template file.

46. An apparatus as in claim 34, wherein one of the template files used to process the at least one document at least partially overrides the other template file.

47. A method as in claim 1, wherein the corresponding templated information-bearing content file is stored in the given directory which stores each content file to which the template file has been applied.

48. An apparatus as in claim 5, wherein the corresponding templated information-bearing content file is stored in the given directory which stores each content

file to which the template file has been applied.

49. A method as in claim 23, wherein the corresponding templated information-bearing document is stored in the directory which stores each document processed by the associated template file.

50. An apparatus as in claim 27, wherein the corresponding templated information-bearing document is stored in the directory which stores each document processed by the associated template file.

51. A method as in claim 1, wherein the one or more template files is stored in a directory separate from the directory storing the one or more content files, the directory storing the one or more template files also storing a lookup table which associates the one or more template files with the directory in which the one or more content files are stored.

52. An apparatus as in claim 5, wherein the means for associating comprises a look-up table stored in a directory separate from the directory in which the one or more content files are stored.

53. A method as in claim 23, wherein the template file associated with the directory storing the one or more documents is stored in a separate directory, the separate directory also storing a look-up table for associating the template file with the directory

storing the one or more documents.

54. An apparatus as in claim 27, wherein the means for associating comprises a look-up table stored in a directory separate from the directory in which the at least one document is stored.

(IX) EVIDENCE APPENDIX

None

(X) RELATED PROCEEDINGS APPENDIX

None

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of
BAGLEY et al.

Atty Dkt. RYM-36-1462
C# M#
TC/A.U.: 2161

Serial No. 09/889,349

Examiner: Nguyen, C.

Filed: July 17, 2001

Date: July 16, 2007

Title: DOCUMENT MANAGEMENT METHOD AND TOOL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

☒ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**
Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s). $500.00 (1401)/$250.00 (2401) $

☒ An appeal **BRIEF** is attached in the pending appeal of the above-identified application $500.00 (1402)/$250.00 (2402) $ 500.00

☐ Credit for fees paid in prior appeal without decision on merits -$ ( )

☐ A reply brief is attached. **(no fee)**

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)
One Month Extension $120.00 (1251)/$60.00 (2251)
Two Month Extensions $450.00 (1252)/$225.00 (2252)
Three Month Extensions $1020.00 (1253/$510.00 (2253)
Four Month Extensions $1590.00 (1254/$795.00 (2254) $

☐ "Small entity" statement attached.

Less month extension previously paid on -$( )

TOTAL FEE ENCLOSED $ 500.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140.** A duplicate copy of this sheet is attached.

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Signature: